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2. *CONTRACTS—Inequality of parties in wealth and influence—Compromise.* Mere inequality in the wealth, power, and influence of parties to contracts cannot affect the validity of such contracts. And, where a compromise of a disputed liability for personal injuries has been deliberately entered into between the parties, it should not be set aside except upon the most satisfactory proof.

3. *POOR DEBTORS EXEMPTION—Exemption to widow—Sees. 3650 and 3653 of Code.* Under the plain language of sec. 3653 of the Code, the widow of a man having no children is entitled to have set apart to her, whether the estate of her husband is solvent or not, the articles enumerated in sec. 3650, and, if the administrator has sold them, she is entitled to their value.

HUTCHINS v. HUTCHINS.—Decided at Richmond, April 16, 1896.—*Keith, P:*

1. *DIVORCE—Husband's rights and duties—Cruelty by member of family.* The husband is the head of his family, and, as such, is entitled to select the place of residence of his family, and to say of whom the family circle shall consist. He is entitled to obedience and respect from his wife as long as he deserves it, but he owes to her the duty of protection from whatever danger may threaten her. If he permits the inmates of his house to treat her with cruelty, the cruelty is his, and she may leave his home without furnishing him with cause for divorce. A long series of vexations, culminating in charge of larceny, and a serious assault by a person of greatly superior physical force, is cruelty within the meaning of the law.

NICHOLSON v. GLOUCESTER CHARITY SCHOOL.—Decided at Richmond, April 16, 1896.—*Keith, P:*

1. *APPEALS—Cross appeals—Dismissal of one—Rule of Court IX.* Where a complainant, and a defendant whose rights are involved in the same question, both appeal from the same decree, but the complainant permits his appeal to be dismissed for failure to give the appeal bond, he may, nevertheless, under Rule IX. of this court, have his rights determined in the case in which the defendant appealed.

2. *ACKNOWLEDGMENTS—Officer trustee—Judicial act—Recordation void.* The clerk of a county court in which a deed is to be recorded, cannot take and certify the acknowledgment of the grantor in a deed of trust to secure debts in which the clerk is the trustee. The act is a judicial act. A recordation on such an acknowledgment is void.

2. *ACKNOWLEDGMENTS BEFORE CORPORATOR OF ELEEMOSYNARY INSTITUTION WHICH IS BENEFICIARY.* A corporator in a purely eleemosynary institution, although he receives a small sum for attending each meeting of the board and for acting as its secretary, is not disqualified from taking the acknowledgment of a grantor in a deed of trust to secure a debt due such institution.

HOUGHTON AND OTHERS v. MOUNTAIN LAKE LAND Co.—Decided at Richmond, April 23, 1896.—*Harrison, J:*

1. *CHANCERY PRACTICE—Petition—Pleading and proof.* A petition may be filed in a pending suit asking to postpone the confirmation of a sale of real estate

and to suspend the proceedings in the suit until the matters of controversy set up in the petition have been adjudicated. Upon the filing of such a petition, rules should be awarded against the parties named as defendants, and, if necessary, an opportunity given the parties to take depositions, or in a proper case the matter should be referred to a commissioner to take evidence and report. But if the parties have proceeded to a hearing upon affidavits, without objection, the appellate court will not reverse the case for this reason only. In the case at bar the petition was rightly rejected, but it should have been without prejudice to the petitioner to litigate his rights in the pending suits.

EUBANK V. BARNES.—Decided at Richmond, April 23, 1896.—*Harrison, J.*

Upon a bill filed by a daughter, after the death of her father, to set aside as fraudulent an alleged assignment, made by her father ten years previously to her maternal uncle, of a judgment owned by her against her father, the court will carefully scrutinize all the facts and circumstances of the case, including the relations of the parties. If it appears that there has been long acquiescence in the rights of the uncle, with knowledge of his claims, and continued and unexplained silence and inaction on the part of the niece, during the lifetime of her father, and the circumstances tend to show that the assignment was made with her knowledge and approval, a court of equity will refuse its aid to set aside the assignment. In cases of this character prompt action is a condition precedent to relief. The bill should set forth specifically what were the impediments to an earlier prosecution of the claim; what means were used to fraudulently keep the plaintiff in ignorance, and how and when she first acquired knowledge of the facts alleged. These charges, when made, should be sustained by proper proof.

BUNTIN & WIFE V. CITY OF DANVILLE.—Decided at Wytheville, June 11, 1896.—*Riely, J. Absent, Harrison, J.*

1. **DEDICATION**—*Definition*—*How made*—*When complete and irrevocable.* Dedication is an appropriation of land by its owner for the public use. It is not within the statute of frauds, and need not be by deed or other writing, but may be effectually done by verbal declaration. It may be express, or implied, and will be implied from long use by the public of the land claimed to be dedicated. The intent is the vital principle, and the dedication may be made in every conceivable way that such intention may be manifested. When such intention has been unequivocally manifested, and there has been acceptance by competent authority, or such long use by the public as to render its reclamation unjust and improper, the dedication is complete; and when complete it is irrevocable.

2. **DEDICATION**—*Obstruction*—*Encroachment*—*Statute of limitations*—*Case at bar.* When dedication has become complete and irrevocable, no obstruction of the subject of the dedication, and no encroachment upon it by the original owner or any one else, for any length of time, will affect the dedication, or impair the rights of the public to it, unless the land so dedicated has been abandoned by the public, or by the proper authority. Time does not run against the State, nor bar the right of the public. In the case at bar the dedication was complete, and there has been no abandonment.